

YOSHIURA et al.
Appl. No. 10/035,159
Amendment dated January 14, 2008
Response to Office Action dated October 23, 2007

REMARKS

Claims 1-19, 23-31, 33, 35, 37-40 and 43 are pending in the application. Favorable reconsideration of the application in view of at least the remarks set forth herein is respectfully requested.

The rejection of claims 1, 4-10, 12 and 37 under 35 U.S.C. §103(a) over Spear et al. (U.S. Patent No. 6,486,439, hereinafter “Spear”) in view of Blankenship et al. (U.S. Patent No. 6,624,388, hereinafter “Blankenship”) is respectfully traversed.

The references to Spear and Blankenship are based on related applications, and are directed generally to systems and methods for purportedly providing automated welding information exchange and replacement part order generation, and for providing a distributed welding architecture. The disclosures of Spear and Blankenship have been discussed in detail in previous responses.

The Office Action concedes that Spear fails to disclose or suggest the specifically claimed feature of the information generating section presuming a time when life of the article required for maintenance of the user device will end, and generating purchase information at a time calculated by subtracting from the presumed time a purchase time required between transmission of the purchase information and reception of delivery of the article. The Office Action now takes

the position that the related disclosure to Blankenship overcomes this admitted and fundamental deficiency of Spear. This is simply incorrect.

The Office Action points to Col. 3, lines 47-63, Figure 14 and Col. 15, lines 48-67, of Blankenship as allegedly teaching this specifically claimed feature. The recitations in Blankenship relate to monitoring of welding materials and supply information from the weld monitoring component. The supply information is monitored and compared to predetermined supply threshold values. It is important to note that there is no teaching or suggestion in Blankenship that any threshold value is a presumed life of a maintenance article. If the supply information drops below a predetermined threshold, an order may be automatically generated. There is also no teaching or suggestion in Blankenship that the time required for purchase is ever taken into account when ordering the supplies. At best, Blankenship suggests that there may be a pre-agreement with the customer to provide supplies at predetermined times, but there is simply no disclosure of what parameters are taken into account when making such pre-agreements. Applicants' review of the references does not uncover any teaching or suggestion of the specifically claimed features.

It is respectfully submitted that neither Spear nor Blankenship, either singly or in combination, disclose, teach or suggest the feature of the information

generating section that presumes a time when life of the article required by the user device will end, and generates the purchase information at a time calculated by subtracting from the presumed time a purchase time required between transmission of the purchase information by the communication section and reception of a delivery of the article.

Therefore, even if, *arguendo*, the combination of Spear and Blankenship were proper, the combination nevertheless fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 2, 3, 11, 13-19, 23-31, 33, 35, 38-40 and 43 under 35 U.S.C. §103(a) over Spear in view Blankenship, and further in view of Heimermann et al. (U.S. Patent No. 7,110,976, hereinafter "Heimermann") is respectfully traversed.

It is respectfully submitted that Heimermann fails to overcome the fundamental deficiencies noted above with respect to Spear and Blankenship. There is no teaching or suggestion in Heimermann of the claimed information generation based on presumed time of the end of life of an article. Therefore, even if, *arguendo*, the combination of Heimermann and Spear and Blankenship were proper, the combination nevertheless fails to render the claimed invention obvious.

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Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

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By: _____


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